

COPY

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARY L. WHITE,)	Civil Action No.: 00-CV-2466
)	
Plaintiff,)	Judge Donald E. Ziegler
)	
v.)	Magistrate Judge Mitchell
)	
SHAYEN A. GEORGE, M.A.)	MC 03-49
)	
Defendant.)	

**DEFENDANT'S MOTION FOR PROTECTIVE ORDER
AND MOTION TO QUASH SUBPOENAS**

Defendant, Shayan A. George, M.A. ("George"), by and through his duly appointed counsel, METZ LEWIS LLC, files the following Motion for Protective Order and Motion to Quash Subpoenas pursuant to Rules 26 and 45 of the Federal Rules of Civil Procedure:

1. The Plaintiff in this case, Mary L. White ("White"), has caused five Subpoenas to be served upon a number of non-parties, all surrounding a company called Psychology Support Systems, LLC ("PSS"). A copy of those Subpoenas is attached hereto as Exhibits 1-5.¹

2. Pursuant to Federal Rule of Civil Procedure 26(c), upon motion by a party and for good cause shown, the Court may make any Order which justice requires to protect a party or a person from annoyance, embarrassment, oppression or undue burden or expense. *See* F.R.C.P. 26(c).

3. Similarly, pursuant to Federal Rule of Civil Procedure 45(c), a Court may quash or modify a subpoena to protect a person subject to or affected by the subpoena if it subjects a

¹ All of the subpoenas relate to PSS and are directed either at other versions of the PSS name, prior corporations that no longer exist, or the Jones Gregg law firm.

EXHIBIT

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person to an undue burden or requires the disclosure of privileged or other protected material, trade secrets or other confidential research, development, or commercial information. See F.R.C.P. 45(c).

4. While the party resisting discovery ordinarily bears the burden of establishing lack of relevancy, the party seeking discovery must also demonstrate a real and practical need for the information sought. See *Richard McCurdy v. Wedgewood Capital Management Co., Inc.*, 1998 U.S. Dist. LEXIS 18875, Civil Action No. 97-4304 (E.D. Pa. November 16, 1998); *Consolidated Rail Corp. v. United States*, 812 F.2d 1444, 1463 (3rd Cir. 1987). In this case, the Subpoena in question is designed solely to further harass George.

5. Further, given that the subpoenas are directed at non-parties, it is important to note that said non-parties are entitled to a heightened protection. *In Re: Letters Rogatory*, 144 F.R.D. 272 (E.D. Pa. 1992); *Siegel*, Practice Commentary (45-20) Duty to Avoid "Undue Burden" on Subpoenaed Person; Sanctions for Abuse, 28 U.S.C.A., Fed.R.Civ.P. 45.

6. The documents requested by the subpoenas have no relevance to this case. Plaintiff has alleged in her Complaint the existence of a purported oral agreement between her and Shayen George regarding the creation of Associates in Child Guidance, Inc. ("ACCG"), a nonprofit corporation, and its relationship with Associates in Child Guidance ("ACG"), a for profit corporation. PSS is not a party, and its only connection to this case is that it has a contract with ACCG to provide computer services. Documents relating to PSS's incorporation, organization, conducting of business, management and officers, intellectual property and advertisements, all of which are sought via the subpoenas, have no bearing on whether any such oral agreement exists or the damages arising from any alleged breach of such oral agreement.

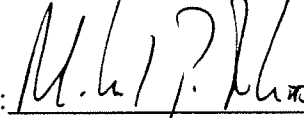
7. The Plaintiff is well aware that PSS has a contract with ACCG to provide support services for the same. Moreover, Plaintiff is well aware that George's daughter, Stacey George, is involved in PSS. Plaintiff is attempting to involve George's daughter in this litigation in an attempt to pressure and harass both her and/or George by requesting business documents of PSS.

8. Given the lack of relevance of the documents requested, Defendant George moves for a protective order and/or that the subpoenas be quashed.

WHEREFORE, for all of the foregoing reasons, Defendant Shayen A. George, M.A., respectfully moves this Court for an Order granting its Motion for Protective Order and Motion to Quash Subpoena.

Respectfully submitted,

METZ LEWIS LLC

By: 

Steven Petrikis, Esquire

Pa. I.D. No.: 34426

Michael P. Robic II, Esquire

Pa. I.D. No.: 75578

11 Stanwix Street, 18th Floor
Pittsburgh, PA 15222
(412) 918-1100

Attorneys for Defendant:
Shayen A. George, M.A.

Issued by the
UNITED STATES DISTRICT COURT

WESTERN

DISTRICT OF PENNSYLVANIA

MARY L. WHITE,

V.

SUBPOENA IN A CIVIL CASE

CASE NUMBER: 00-2466

SHAYEN A. GEORGE, M.A.

This subpoena is invalid, and imposes no duty on the person served to appear anywhere, if it was not served together with the fees for one day's attendance and mileage. FURTHER, this subpoena imposes no duty on anyone to produce documents or things at his or her own expense.

TO: Psych Support Systems
 272 East Connelly Boulevard
 Sharon, PA 16146

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

See attached Exhibit "A."

PLACE	DATE AND TIME
272 East Connelly Boulevard, Sharon, PA 16146	February 7, 2003 10:00 a.m.

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER		DATE
David S. Bloom, Esquire Feldstein, Grinberg, Stein & McKee 428 Boulevard of the Allies, Pittsburgh, PA 15219 (412) 263-6105		1/10/03

(See Rule 46, Federal Rules of Civil Procedure, Parts C & D on Reverse)


If action is pending in district other than district of issuance, state district under case number.

PROOF OF SERVICE

DATE 1/10/03 PLACE 272 East Connelly Boulevard
Sharon, PA 16146
 SERVED Psych Support Systems Certified mail, return receipt requested
 SERVED ON (PRINT NAME) MANNER OF SERVICE
 David S. Bloom, Esquire Attorney
 SERVED BY (PRINT NAME) TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 1/10/03 DATE 
 SIGNATURE OF SERVER

428 Boulevard of the Allies
 ADDRESS OF SERVER

Pittsburgh, PA 15219

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in

person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARY L. WHITE,

Plaintiff,

vs.

SHAYEN A. GEORGE, M.A.,

Defendant.

CIVIL

CHIEF JUDGE ZIEGLER
MAGISTRATE JUDGE MITCHELL

Civil Action No. 00-2466

JURY TRIAL DEMANDED

EXHIBIT "A" TO SUBPOENA

To: **PSYCH SUPPORT SYSTEMS
272 EAST CONNELLY BLVD.
SHARON, PA 16146**

DOCUMENTS TO BE PRODUCED

The words "Document" or "Documents" are used in their customary broad sense as set forth in the Federal Rules of Civil Procedure and includes without limits on all written, printed, recorded or graphic matter, photographic matter or sound reproductions, however produced or reproduced, in the actual or constructive possession, custody, care or control of the Defendant, his agents, employees, representatives and attorneys, or any of them, and/or other third parties as designated herein, and whether or not now in existence, including, but not limited to originals or copies (where originals are unavailable or where the copy differs in any respect from the original) including, without limiting the generality of the foregoing, letters, correspondence, notes, tapes, microfilms, telegrams, notes and sound recordings, minutes of directors' meetings and of committee meetings, minutes of all other types of meetings, magnetic tapes, computer discs of any size, CDs, computer hard drives, Internet accounts, e-mails, PDAs (personal digital assistants or handheld computers), network or computer

servers, memoranda of all types, inter-office communications, studies, summaries, analyses, reports, opinions, offerings, solicitations, and results of investigations.

Further, the words "Document" or "Documents" are intended to refer to any medium by which information is recorded including "papers" of any kind or character, photographs and any method or medium by which information is utilized by computers of any size or devices which utilize computer processing chips and/or megabytes.

1. **All documentation regarding the incorporation of PSYCH SUPPORT SYSTEMS.**
- 2. **All documentation regarding the conducting of business of PSYCH SUPPORT SYSTEMS from 1999 to the present.**
- 3. **All documentation of PSYCH SUPPORT SYSTEMS regarding sources of income from 1999 to the present.**
- 4. **All documentation of PSYCH SUPPORT SYSTEMS regarding sources of income from Associates in Counseling and Child Guidance, Inc. from 1999 to the present.**
5. **All documentation of PSYCH SUPPORT SYSTEMS regarding the management and officers of PSYCH SUPPORT SYSTEMS from 1999 to the present.**
6. **All documentation of PSYCH SUPPORT SYSTEMS regarding trademark, servicemark and/or copyright applications, filings and/or claims from 1999 to the present.**
7. **All documentation of PSYCH SUPPORT SYSTEMS regarding listings and/or advertisements in any electronic or printed media from 1999 to the present.**

Issued by the
 UNITED STATES DISTRICT COURT

WESTERN

DISTRICT OF

PENNSYLVANIA

MARY L. WHITE,

V.

SHAYEN A. GEORGE

SUBPOENA IN A CIVIL CASE

CASE NUMBER: 00-2466

This subpoena is invalid, and imposes no duty on the person served to appear anywhere, if it was not served together with the fees for one day's attendance and mileage. FURTHER, this subpoena imposes no duty on anyone to produce documents or things at his or her own expense.

TO: Psychology Support Systems
 272 East Connelly Boulevard
 Sharon, PA 16146

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

See attached Exhibit "A."

PLACE	DATE AND TIME
272 East Connelly Boulevard, Sharon, PA 16146	February 7, 2003 10:00 a.m.

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S NAME AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
<i>David S. Bloom</i> Attorney for Plaintiff	1/10/03

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER
 David S. Bloom, Esquire Feldstein, Grinberg, Stein & McKee
 428 Boulevard of the Allies, Pittsburgh, PA 15219 (412) 263-6105

PROOF OF SERVICE

DATE 1/10/03

PLACE 272 East Connelly Boulevard
Sharon, PA 16146

SERVED

Psychology Support Systems

Certified mail, return receipt requested

SERVED ON (PRINT NAME)

MANNER OF SERVICE

David S. Bloom, Esquire

Attorney

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

1/10/03

DATE

SIGNATURE OF SERVER

428 Boulevard of the Allies

ADDRESS OF SERVER

Pittsburgh, PA 15219

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in

person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARY L. WHITE,

Plaintiff,

vs.

SHAYEN A. GEORGE, M.A.,

Defendant.

CIVIL

CHIEF JUDGE ZIEGLER
MAGISTRATE JUDGE MITCHELL

Civil Action No. 00-2466

JURY TRIAL DEMANDED

EXHIBIT "A" TO SUBPOENA

To: **PSYCHOLOGY SUPPORT SYSTEMS
272 EAST CONNELLY BLVD.
SHARON, PA 16146**

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servers, memoranda of all types, inter-office communications, studies, summaries, analyses, reports, opinions, offerings, solicitations, and results of investigations.

Further, the words "Document" or "Documents" are intended to refer to any medium by which information is recorded including "papers" of any kind or character, photographs and any method or medium by which information is utilized by computers of any size or devices which utilize computer processing chips and/or megabytes.

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DISTRICT OF

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MARY L. WHITE,

V.

SHAYEN A. GEORGE, M.A.

SUBPOENA IN A CIVIL CASE

CASE NUMBER: 00-2466

This subpoena is invalid, and imposes no duty on the person served to appear anywhere, if it was not served together with the fees for one day's attendance and mileage. FURTHER, this subpoena imposes no duty on anyone to produce documents or things at his or her own expense.

Jones, Gregg, Creehan & Gerace, LLP
TO: 411 Seventh Avenue, Suite 1200
Pittsburgh, PA 15219-1905
Attention: Richard B. Sandow, Esquire

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

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PLACE OF DEPOSITION

DATE AND TIME

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See attached Exhibit "A."

PLACE

Jones, Gregg, Creehan & Gerace, LLP
411 Seventh Avenue, Suite 1200
Pittsburgh, PA 15219-1905

DATE AND TIME

February 7, 2003
2:00 p.m.

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PREMISES

DATE AND TIME

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ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

Attorney for Plaintiff

1/10/03

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

David S. Bloom, Esquire

Feldstein, Grinberg, Stein & McKee

428 Boulevard of the Allies, Pittsburgh, PA 15219 (412) 263-6105

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on Reverse)

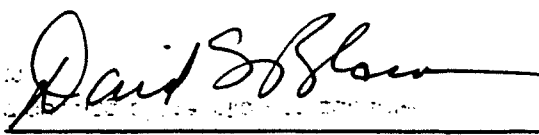
If action is pending in district other than district of issuance, state district under case number.

PROOF OF SERVICE

DATE	1/10/03	PLACE	411 Seventh Avenue, Suite 1200 Pittsburgh, PA 15219-1905
SERVED ON (PRINT NAME)	Jones, Gregg, Creehan & Gerace, LLP	MANNER OF SERVICE	Certified mail, return receipt requested
SERVED BY (PRINT NAME)	David S. Bloom, Esquire	TITLE	Attorney

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on	1/10/03	SIGNATURE OF SERVER	
DATE		ADDRESS OF SERVER	428 Boulevard of the Allies Pittsburgh, PA 15219

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Plaintiff,

vs.

SHAYEN A. GEORGE, M.A.,

Defendant.

CIVIL

CHIEF JUDGE ZIEGLER
MAGISTRATE JUDGE MITCHELL

Civil Action No. 00-2466

JURY TRIAL DEMANDED

EXHIBIT "A" TO SUBPOENA

To: JONES, GREGG, CREEHAN & GERACE, LLP
411 SEVENTH AVENUE, SUITE 1200
PITTSBURGH, PA 15219-1905
ATTN: RICHARD B. SANDOW, ESQUIRE

DOCUMENTS TO BE PRODUCED

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servers, memoranda of all types, inter-office communications, studies, summaries, analyses, reports, opinions, offerings, solicitations, and results of investigations.

Further, the words "Document" or "Documents" are intended to refer to any medium by which information is recorded including "papers" of any kind or character, photographs and any method or medium by which information is utilized by computers of any size or devices which utilize computer processing chips and/or megabytes.

1. **All documentation regarding the incorporation of PSYCHOLOGY SUPPORT SERVICES, LLC, PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC, PSYCH SUPPORT SYSTEMS and PSYCHOLOGY SUPPORT SYSTEMS.**
2. **All documentation regarding the organization of PSYCHOLOGY SUPPORT SERVICES, LLC, PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC, PSYCH SUPPORT SYSTEMS and PSYCHOLOGY SUPPORT SYSTEMS from 1999 to the present.**
3. **All documentation regarding the conducting of business of PSYCHOLOGY SUPPORT SERVICES, LLC, PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC, PSYCH SUPPORT SYSTEMS and PSYCHOLOGY SUPPORT SYSTEMS from 1999 to the present.**
4. **All documentation regarding the management and officers of PSYCHOLOGY SUPPORT SERVICES, LLC, PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC, PSYCH SUPPORT SYSTEMS and PSYCHOLOGY SUPPORT SYSTEMS from 1999 to the present.**
5. **All documentation of PSYCHOLOGY SUPPORT SERVICES, LLC, PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC, PSYCH SUPPORT SYSTEMS and PSYCHOLOGY SUPPORT SYSTEMS regarding trademark, servicemark and/or copyright applications, filings and/or claims from 1999 to the present.~**
6. **All documentation of PSYCHOLOGY SUPPORT SERVICES, LLC, PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC, PSYCH SUPPORT SYSTEMS and PSYCHOLOGY SUPPORT SYSTEMS regarding listings and/or advertisements in any electronic or printed media from 1999 to the present.**

Issued by the
UNITED STATES DISTRICT COURT

WESTERN

DISTRICT OF

PENNSYLVANIA

MARY L. WHITE

V.

SHAYEN A. GEORGE, M.A.

SUBPOENA IN A CIVIL CASE

CASE NUMBER: 00-2466

TO: Professional Employee Management Services, LLC
272 East Connelly Boulevard
Sharon, PA 16146

This subpoena is invalid, and imposes no duty on the person served to appear anywhere, if it was not served together with the fees for one day's attendance and mileage. FURTHER, this subpoena imposes no duty on anyone to produce documents or things at his or her own expense.

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

See attached Exhibit "A."

PLACE

272 East Connelly Boulevard, Sharon, PA 16146

DATE AND TIME

February 7, 2002
10:00 a.m.

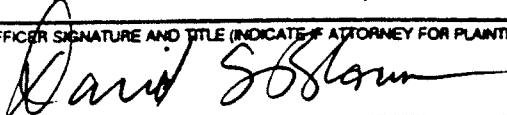
☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S NAME AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)



Attorney for Plaintiff

DATE

1/10/03

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

David S. Bloom, Esquire Feldstein, Grinberg, Stein & McKee
428 Boulevard of the Allies, Pittsburgh, PA 15219 (412) 263-6105

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on Reverse)

¹ If action is pending in district other than district of issuance, state district under case number.

PROOF OF SERVICE

DATE 1/10/03

PLACE 272 East Connelly Boulevard
Sharon, PA 16146

SERVED

Professional Employee Management Services, LLC

Certified mail, return receipt requested

SERVED ON (PRINT NAME)

MANNER OF SERVICE

David S. Bloom, Esquire

Attorney

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 1/10/03

DATE

SIGNATURE OF SERVER

428 Boulevard of the Allies
ADDRESS OF SERVER

Pittsburgh, PA 15219

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in

person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARY L. WHITE,

Plaintiff,

vs.

SHAYEN A. GEORGE, M.A.,

Defendant.

CIVIL

CHIEF JUDGE ZIEGLER
MAGISTRATE JUDGE MITCHELL

Civil Action No. 00-2466

JURY TRIAL DEMANDED

EXHIBIT "A" TO SUBPOENA

To: **PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC**
272 EAST CONNELLY BLVD.
SHARON, PA 16146

DOCUMENTS TO BE PRODUCED

The words "Document" or "Documents" are used in their customary broad sense as set forth in the Federal Rules of Civil Procedure and includes without limits on all written, printed, recorded or graphic matter, photographic matter or sound reproductions, however produced or reproduced, in the actual or constructive possession, custody, care or control of the Defendant, his agents, employees, representatives and attorneys, or any of them, and/or other third parties as designated herein, and whether or not now in existence, including, but not limited to originals or copies (where originals are unavailable or where the copy differs in any respect from the original) including, without limiting the generality of the foregoing, letters, correspondence, notes, tapes, microfilms, telegrams, notes and sound recordings, minutes of directors' meetings and of committee meetings, minutes of all other types of meetings, magnetic tapes, computer discs of any size, CDs, computer hard drives, Internet accounts, e-mails, PDAs (personal digital assistants or handheld computers), network or computer

servers, memoranda of all types, inter-office communications, studies, summaries, analyses, reports, opinions, offerings, solicitations, and results of investigations.

Further, the words "Document" or "Documents" are intended to refer to any medium by which information is recorded including "papers" of any kind or character, photographs and any method or medium by which information is utilized by computers of any size or devices which utilize computer processing chips and/or megabytes.

1. **All documentation regarding the incorporation of PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC.**
2. **All documentation regarding the conducting of business of PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC from 1999 to the present.**
3. **All documentation of PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC regarding sources of income from 1999 to the present.**
4. **All documentation of PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC regarding sources of income from Associates in Counseling and Child Guidance, Inc. from 1999 to the present.**
5. **All documentation of PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC regarding the management and officers of PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC from 1999 to the present.**
6. **All documentation of PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC regarding trademark, servicemark and/or copyright applications, filings and/or claims from 1999 to the present.**
7. **All documentation of PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC regarding listings and/or advertisements in any electronic or printed media from 1999 to the present.**

Issued by the
 UNITED STATES DISTRICT COURT

WESTERN

DISTRICT OF

PENNSYLVANIA

MARY L. WHITE

V.

SUBPOENA IN A CIVIL CASE

CASE NUMBER: 00-2466

SHAYEN A. GEORGE, M.A.

This subpoena is invalid, and imposes no duty on the person served to appear anywhere, if it was not served together with the fees for one day's attendance and mileage. FURTHER, this subpoena imposes no duty on anyone to produce documents or things at his or her own expense.

TO: Psychology Support Services, LLC
 272 East Connelly Boulevard
 Sharon, PA 16146

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

See attached Exhibit "A."

PLACE

272 East Connelly Boulevard, Sharon, PA 16146

DATE AND TIME

February 7, 2003
 10:00 a.m.

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

David S. Bloom

Attorney for Plaintiff

DATE

1/10/03

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

David S. Bloom, Esquire Feldstein, Grinberg, Stein & McKee

428 Boulevard of the Allies, Pittsburgh, PA 15219 (412) 263-6105

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on Reverse)

If action is pending in district other than district of issuance, state district under case number.

PROOF OF SERVICE

DATE 1/10/03

PLACE 272 East Connelly Boulevard
Sharon, PA 16146

SERVED

Psychology Support Services, LLC

Certified mail, return receipt requested

SERVED ON (PRINT NAME)

MANNER OF SERVICE

David S. Bloom, Esquire

Attorney

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 1/10/03

DATE

SIGNATURE OF SERVER

428 Boulevard of the Allies

ADDRESS OF SERVER

Pittsburgh, PA 15219

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

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(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in

person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARY L. WHITE,

Plaintiff,

vs.

SHAYEN A. GEORGE, M.A.,

Defendant.

CIVIL

CHIEF JUDGE ZIEGLER
MAGISTRATE JUDGE MITCHELL

Civil Action No. 00-2466

JURY TRIAL DEMANDED

EXHIBIT "A" TO SUBPOENA

To: PSYCHOLOGY SUPPORT SERVICES, LLC
272 EAST CONNELLY BLVD.
SHARON, PA 16146

DOCUMENTS TO BE PRODUCED

The words "Document" or "Documents" are used in their customary broad sense as set forth in the Federal Rules of Civil Procedure and includes without limits on all written, printed, recorded or graphic matter, photographic matter or sound reproductions, however produced or reproduced, in the actual or constructive possession, custody, care or control of the Defendant, his agents, employees, representatives and attorneys, or any of them, and/or other third parties as designated herein, and whether or not now in existence, including, but not limited to originals or copies (where originals are unavailable or where the copy differs in any respect from the original) including, without limiting the generality of the foregoing, letters, correspondence, notes, tapes, microfilms, telegrams, notes and sound recordings, minutes of directors' meetings and of committee meetings, minutes of all other types of meetings, magnetic tapes, computer discs of any size, CDs, computer hard drives, Internet accounts, e-mails, PDAs (personal digital assistants or handheld computers), network or computer

servers, memoranda of all types, inter-office communications, studies, summaries, analyses, reports, opinions, offerings, solicitations, and results of investigations.

Further, the words "Document" or "Documents" are intended to refer to any medium by which information is recorded including "papers" of any kind or character, photographs and any method or medium by which information is utilized by computers of any size or devices which utilize computer processing chips and/or megabytes.

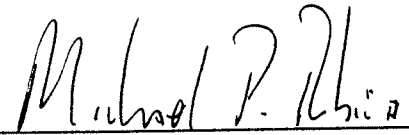
- ✓ 1. **All documentation regarding the incorporation of PSYCHOLOGY SUPPORT SERVICES, LLC.**
- ✓ 2. **All documentation regarding the conducting of business of PSYCHOLOGY SUPPORT SERVICES, LLC from 1999 to the present.**
- ✓ 3. **All documentation of PSYCHOLOGY SUPPORT SERVICES, LLC regarding sources of income from 1999 to the present.**
- ✓ 4. **All documentation of PSYCHOLOGY SUPPORT SERVICES, LLC regarding sources of income from Associates in Counseling and Child Guidance, Inc. from 1999 to the present.**
- ✓ 5. **All documentation of PSYCHOLOGY SUPPORT SERVICES, LLC regarding the management and officers of PSYCHOLOGY SUPPORT SERVICES, LLC from 1999 to the present.**
- ✓ 6. **All documentation of PSYCHOLOGY SUPPORT SERVICES, LLC regarding trademark, servicemark and/or copyright applications, filings and/or claims from 1999 to the present.**
- ✓ 7. **All documentation of PSYCHOLOGY SUPPORT SERVICES, LLC regarding listings and/or advertisements in any electronic or printed media from 1999 to the present.**

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that a true and correct copy of the foregoing **DEFENDANT'S MOTION FOR PROTECTIVE ORDER AND MOTION TO QUASH SUBPOENAS** has been served via fax and first class U.S. Mail, postage pre-paid, this day of January 28, 2003, upon the following counsel of record:

Stanley M. Stein, Esquire
David Bloom, Esquire
Feldstein, Grinberg, Stein & McKee
428 Blvd. of the Allies
Pittsburgh, PA 15219

Richard B. Sandow, Esquire
Jones, Gregg, Creehan & Gerace
411 Seventh Avenue, Suite 1200
Pittsburgh, PA 15219-1905



IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARY L. WHITE,

Plaintiff,

v.

SHAYEN A. GEORGE, M.A.,

Defendant.

CIVIL ACTION NO.: 00-CV-2466

Judge Donald E. Ziegler

Magistrate Judge Robert C. Mitchell

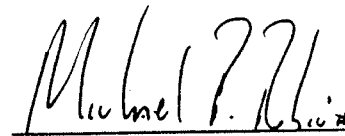
ORDER OF COURT

AND NOW, to wit, this ____ day of _____, 2003, upon consideration of Defendant, Shayan A. George, M.A.'s Motion for Protective Order and Motion to Quash Subpoenas, it is hereby ORDERED, ADJUDGED and DECREED that for good cause shown, the same is GRANTED and the Subpoenas issued by the Plaintiff to Psych Support Systems, Psychology Support Systems, Jones Gregg Creehan & Gerace, L.L.P., Professional Employee Management Services, L.L.C. and Psychology Support Services, L.L.C. are quashed.

J.

LOCAL RULE 7.1 AND 37.1 CERTIFICATE

I, undersigned counsel for the Defendant, Shayan A. George, M.A., hereby certify to the Court that I have conferred and consulted with counsel for the Plaintiff with respect to the matters set forth in the attached Motion for Protective Order and Motion to Quash Subpoenas, and we have been unable to resolve the differences which exist. This conference took place via telephone on January 27, 2003.

A handwritten signature in black ink, appearing to read "Michael P. Robic II", is written over a horizontal line.

Michael P. Robic II, Esquire